

CITY COUNCIL AGENDA

MARCH 23, 2004

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 3)**
- **Pledge of Allegiance**
- **Orders of the Day**

ITEMS 10.1 AND 10.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of February 24, 2004
- (b) Regular meeting of March 2, 2004

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

2.3 Approval of an agreement for the purchase of land located at the River Oaks Reach of the Coyote Creek Trail.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to approve and execute an agreement with the State of California for the purchase of an easement over a portion of land located at the River Oaks Reach of the Coyote Creek Trail between State Route 237 and the Montague Expressway in the amount of \$22,000, and to execute any additional documents necessary to complete the transaction. CEQA: Exempt, PP03-07-230. Council District 4. (Public Works)
(Deferred from 3/9/04 – Item 2.8)

2.4 Approval to amend a lease agreement at the Airport.

Recommendation: Approval of an amendment to extend the term of an office lease with HMS Host through June 30, 2009, with a minimum annual revenue to the City in the amount of \$45,525. CEQA: Resolution Nos. 67380 and 71451, PP04-03-067. (Airport)

2.5 Approval to amend ground lease agreements at the Airport.

Recommendation:

- (a) Approval of a first amendment to the Ground Lease with AvBase San José L.L.C. to re-configure the leased premises with no increase in the total square footage, and to modify provisions regarding compliance with the City's Airport curfew to be consistent with curfew provisions in all three Fixed Based Operator (FBO) agreements at the Airport.
 - (b) Approval of a first amendment to the Ground Lease with ACM Aviation LLC to modify provisions regarding compliance with the City's Airport curfew to be consistent with curfew provisions in all three FBO agreements at the Airport.
 - (c) Approval of a seventh amendment to the Ground Lease with San José Jet Center to modify provisions regarding compliance with the City's Airport curfew to be consistent with curfew provisions in all three FBO agreements at the Airport.
- CEQA: Resolution Nos. 67380 and 71451, PP04-02-056. (Airport)

2.6 Acceptance of the 2004 Public Art Workplan.

Recommendation: Acceptance of the 2004 Public Art Workplan. CEQA: Not a Project. (Conventions, Arts and Entertainment)

2 CONSENT CALENDAR

2.7 Approval of an agreement for an artwork at Emma Prusch Park.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gloria Bornstein to fabricate and install public artwork at Emma Prusch Park, for an amount not to exceed \$86,160. CEQA: Exempt, PP04-01-007. (Conventions, Arts and Entertainment)

2.8 Approval of fiscal actions for a National Emergency Grant allocation in the Workforce Investment Act Fund.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Workforce Investment Act Fund (290):

- (a) Establish an appropriation for High Technology National Emergency Grant to the Office of Economic Development, in the amount of \$1,191,165.
- (b) Establish an appropriation for Transportation National Emergency Grant to the Office of Economic Development, in the amount of \$396,613.
- (c) Increase Grant Revenue in the amount of \$1,587,778.

CEQA: Not a Project. (Economic Development/City Manager's Office)

2.9 Approval of an agreement for the Route 237 Eastbound Bridge Water Main.

Recommendation: Approval of an agreement with the Santa Clara Valley Water District (SCVWD) for the relocation of the Route 237 Eastbound Bridge Water Main for a total cost not to exceed \$207,930. CEQA: Santa Clara Valley Water District Final Environmental Impact Report for the Lower Guadalupe River Flood Protection Project. Council District 4. (Environmental Services)

2.10 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #16, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

2.11 Approval of an agreement to purchase property located at 3710 Stevens Creek Boulevard.

Recommendation: Approval of an agreement with the Estate of John T. Abeloe, for the purchase of a portion of property located at 3710 Stevens Creek Boulevard and a temporary construction easement on adjacent property, in the amount of \$12,500. CEQA: Exempt, PP02-01-001. Council District 1. (Public Works)

2 CONSENT CALENDAR

2.12 Approval of an agreement for the New Civic Center Project.

Recommendation: Approval of an agreement with San José Water Company for design, engineering and installation of water services for the New Civic Center Project in the amount of \$150,582. CEQA: Civic Plaza Redevelopment Plan, Resolution No. 68905, PP98-03-072. (Public Works)

2.13 Acceptance of the San José Arena Authority's Fiscal Year 2002-2003 Annual Report.

Recommendation: Acceptance of the San José Arena Authority's Fiscal Year 2002-2003 Annual Report. CEQA: Not a Project. (San José Arena Authority)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – March 10, 2004 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 23, 2004 Draft Agenda
 - (2) Add New Items to March 16, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request the City of San José take a position on the closure plan of Agnews Developmental Center
- (h) Oral communications
- (i) Adjournment

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – March 10, 2004 Council Member Campos, Chair

- (a) Investment Report – Follow-Up to Meeting of February 11, 2004
- (b) Public Works Real Estate Division Audit
- (c) Report on Culture Change Efforts in the City Organization for the New City Hall and “One Voice” Project
- (d) City Clerk One-Stop Shop Status Report
- (e) Discussion of Additional Streamlining Opportunities to the Streamlining Ordinance
- (f) Discussion of the Bureau of Fire Prevention Audit Outcomes
- (g) Continued Discussion of the Update of Major Information Technology Projects
- (h) Oral petitions
- (i) Adjournment

3.4 Approval of actions related to the March 2, 2004 and November 2, 2004 Elections.

Recommendation:

- (a) Adoption of a Resolution declaring results of the March 2, 2004 Municipal Election pursuant to Elections Code Section 15400; and,
 - (b) Calling for a Run-Off Election to be held November 2, 2004, setting a deadline of August 3, 2004 for ballot measures to be added to the ballot, and authorizing the City Clerk to take such actions necessary to facilitate the Election.
- (Acting City Clerk)

3.5 Acceptance of the 2003 San José Community Survey and FY 2003-04 City Service Area Performance Report.

Recommendation: Acceptance of:

- (a) The report of results from the 2003 San José Community Survey; and
 - (b) The Mid-Year 2003-2004 City Service Area Performance Report.
- (City Manager’s Office)

3.6 Approval of 2003-04 General Fund 100 Vacant Positions Elimination Plan.

Recommendation:

- (a) Approval of the 2003-04 General Fund 100 Vacant Positions Elimination Plan recommended in the memorandum and detained in Attachment A.
 - (b) Direction to staff to utilize cost savings associated with the elimination of the 100 positions towards reducing the projected 2004-2005 General Fund shortfall.
- (City Manager’s Office)
(Referred from 2/17/04 – Item 10.1)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair

4.2 Report of the Driving a Strong Economy Committee
Council Member Williams, Chair

4.3 Approval of actions for the Ice Centre of San José (Logitech Ice). (Economic Development Strategy Initiative)

Recommendation:

- (a) Approval of an Expansion Agreement with San José Arena Management LLP, regarding the construction and financing of the second expansion to the Ice Centre of San José (Logitech Ice).
- (b) Approval of the Amended and Restated Lease and Management Agreement with San Jose Arena Management LLP for the operations and management of the Ice Centre of San José (Logitech Ice).

(Economic Development)

(Deferred from 3/9/0 – Item 4.3)

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – March 11, 2004
Council Member Yeager, Chair

- (a) Civic Center Childcare Update
- (b) Update on the Early Child Care and Education Master Plan
 - No Child Left Behind Act
 - Linkages with County Collaborative on Education
 - Strategy on Achieving Master Plan Goals
- (c) Report on School Traffic Safety Program
- (d) Safe School Program Update
- (e) Oral petitions
- (f) Adjournment

5 RECREATION & CULTURAL SERVICES

5.2 Approval to award a contract for the Lone Bluff Mini-Park Project.

Recommendation:

- (a) Report on bids and award of contract for Lone Bluff Mini-Park Project to the low bidder, Lone Star Landscape, Inc., in the amount of \$498,100, and approval of a contingency in the amount of \$24,900.
- (b) Adoption of the following appropriation ordinance amendments in the Council District 7 Construction & Conveyance Tax Fund
 - (1) Increase the Lone Bluff Mini-Park Project by \$150,000.
 - (2) Decrease the Ending Fund Balance by \$150,000.

CEQA: Resolution No. 69623, and addenda thereto, H03-029. Council District 7.
(Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on the vacation of a 60-foot wide Storm Drain Easement at Almaden Avenue and Woz Way.

Recommendation: PUBLIC HEARING and adoption of a resolution vacating a 60-foot wide Storm Drain Easement on the northwest corner of Almaden Avenue and Woz Way.
CEQA: Resolution Nos. 64273 and 68839 and addendum thereto, RH00-05-005.
Council District 3. (Public Works)

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION

10.1 Acceptance of the Mayor's March Budget Message.

Recommendation: Acceptance of the Mayor's March Budget Message. (Mayor)

10.2 Approval of an ordinance and adoption of resolutions affecting the City's and Redevelopment Agency's Revenue Generating Policies.

Recommendation:

- (a) Approval of an ordinance by the City Council modifying Section 4.01.010 of Chapter 4.01, and amending Sections 4.04.010 and 4.04.020 of Chapter 4.04 of Title 4 of the San José Municipal Code, making changes necessary to implement the Revenue Generating Policy adopted by City Council on January 20, 2004;
 - (b) Adoption of a resolution by the City Council revising the Revenue Generating Policy pursuant to City Council direction at the meeting of January 20, 2004;
 - (c) Adoption of a resolution by the Agency Board approving the Redevelopment Agency's Revenue Generating Policy; and
 - (d) Adoption of a resolution by the Agency Board amending Article II, Section 4.A of the Agency By-Laws to authorize the Executive Director to accept donations and enter into Sponsorship Agreements in an amount not to exceed \$100,000.
- (City Attorney's Office)

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment